IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Rev. No.2112 of 2006
Date of Decision:- 08.02.2007

Amarjit Singh ....Petitioner(s)

through
Mr.G.S.Thind, Advocate

vs.

State of Punjab ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

This revision petition is directed against the judgment and order dated 11.10.2004 passed by the learned Chief Judicial Magistrate, Roopnagar whereby the petitioner was convicted under Sections 468 and 471 IPC and was directed to undergo rigorous imprisonment for one year (under Section 468 IPC) and six months (under Section 471 IPC), apart from fine of Rs.500/- and Rs.300/- respectively for both the offences, the non-deposit of which was to further entail rigorous imprisonment for one month, as also against the judgment dated 4.7.2006 passed by the learned Additional Sessions Judge, Roopnagar whereby the petitioner's appeal against the above-stated order of conviction and sentence has been dismissed.

As per the prosecution case, the petitioner forged a certificate of I.T.A., Patiala/National Trade Certificate for getting admission in Apprenticeship Training Scheme, launched by the Industrial Training Department Government of Punjab. Both the Courts below, on

appreciation of the oral as well as documentary evidence on record, have concurrently held the petitioner guilty of forging the aforesaid certificate and thereafter securing admission in the Apprenticeship Training Course.

On February 01, 2007, learned counsel for the petitioner was heard at length on the merits of the case. However, having regard to the fact that no factual or legal infirmity in the impugned judgments could be pointed out, the revision petition qua the petitioner's conviction was dismissed.

Faced with this situation, learned counsel for the petitioner contended that the sentence of one year rigorous imprisonment under Section 468 IPC was too harsh. Consequently, notice of motion was issued regarding quantum of sentence only.

Learned counsel for the petitioner contends that the petitioner is the first offender against whom no other criminal case of any type has been registered or is pending. It is pointed out that effectively, no benefit was taken by the petitioner of the forged certificate as his admission to the Apprenticeship Training Course was cancelled. No service benefit on that account has also been availed of by the petitioner. It is also argued that out of the total sentence of one year rigorous imprisonment, the petitioner has already undergone more than seven months' actual sentence.

Shri Baath, learned Assistant Advocate General, Punjab, has also filed an affidavit dated 7.2.2007 of Shri G.S.Sarowa, Superintendent, Sub Jail, Roopnagar, which is taken on record. As per the details given therein, the petitioner has already undergone actual sentence of seven months and six days.

After hearing learned counsel for the parties and having regard

to the mitigating circumstances highlighted by the petitioner, I am satisfied that the object of criminal justice system would be effectively achieved if the petitioner's sentence under Section 468 IPC is reduced to the extent of the actual sentence already undergone by him. I order accordingly.

Since the petitioner was awarded six months' rigorous imprisonment which was directed to run concurrently along with the sentence awarded under Section 468 IPC, the sentence under Section 471 IPC has already been completed by him.

Consequently, the revision petition is partly allowed; the impugned judgments and order dated 11.10.2004 passed by the learned Chief Judicial Magistrate, Ropar and 4.7.2006 passed by the Additional Sessions Judge, Roopnagar are modified to the extent that the sentence of the petitioner under Section 468 IPC is reduced to the extent of actual sentence already undergone by him. The petitioner is accordingly directed to be released forthwith, unless required in some other case.

Disposed of.

February 08, 2007 **(SURYA KANT)**
poonam **JUDGE**